

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

BROOKE HIGGINBOTHAM,

Plaintiff,

v.

No. 2:18-cv-00449-GJF-KRS

CATRINA ORNELAS; LUIS CARRASCO;
BENJAMIN BERLING; and CITY OF LAS
CRUCES,

Defendants.

SCHEDULING ORDER

THIS MATTER comes before the Court following a telephonic Rule 16 scheduling conference held on July 10, 2018. At the hearing, the Court adopted the parties proposed Joint Status Report and Provisional Discovery Plan as reflected in the dates below.

Accordingly, **IT IS HEREBY ORDERED** that the parties shall adhere to the following discovery plan:

- (a) Maximum of twenty-five (25) interrogatories to Plaintiff and twenty-five (25) to Defendants as a group with responses due thirty (30) days after service.
- (b) Maximum of twenty-five (25) requests for admission to Plaintiff and twenty-five (25) to Defendants as a group with responses due thirty (30) days after service.
- (c) Maximum of twenty-five (25) requests for production to Plaintiff and twenty-five (25) to Defendants as a group with responses due thirty (30) days after service.
- (d) Maximum of fifteen (15) depositions by Plaintiff and fifteen (15) by Defendants as a group. The parties may seek leave of the Court should a greater number be required. Depositions of named parties and/or experts shall not exceed seven (7) hours unless

extended by the parties' agreement during the deposition. Depositions of all other individuals shall not exceed four (4) hours unless extended by the parties' agreement during the deposition.

IT IS FURTHER ORDERED that the following case management deadlines shall govern:

- (a) Deadline for Plaintiff to amend pleadings and/or join parties pursuant to Federal Rule of Civil Procedure 15: **August 17, 2018;**
- (b) Deadline for Defendants to amend pleadings and/or join parties pursuant to Federal Rule of Civil Procedure 15: **August 31, 2018;**
- (c) Plaintiff's expert-disclosure deadline: **October 12, 2018;**
- (d) Defendants' expert-disclosure deadline: **November 13, 2018;**
- (e) Deadline for supplementing discovery/disclosures: **in accordance with the Federal Rules of Civil Procedure;**
- (f) Termination of discovery: **December 7, 2018;**
- (g) Motions relating to discovery: **December 14, 2018;**
- (h) All other motions: **January 7, 2019;**
- (i) Pretrial order: Plaintiff to Defendants by: **March 8, 2019;**
Defendants to Court by: **March 15, 2019.**

IT IS FURTHER ORDERED that the Court must approve any changes to the timing or scope of discovery, other than the parties' agreement to extend the length of a deposition made during the deposition in question. Requests by a party to change the timing or scope of discovery, other than a mutual agreement to extend a deposition reached during the deposition, must be made by motion and before the termination of discovery or the expiration of any

applicable deadline. Discovery must be completed on or before the termination of the discovery deadline. A written discovery request must be propounded by a date which ensures that the response to that request is due on or before the discovery deadline. The parties are further reminded that the cutoff for motions related to discovery does not relieve the party of the twenty-one (21) day time period under Local Rule 26.6 to challenge a party's objections to answering discovery. The parties are encouraged to review Federal Rule of Civil Procedure 26(a)(2) to ensure they properly disclose *all* testifying witnesses, not just those for whom a report is required.

A handwritten signature in black ink, reading "Kevin Sweazea". The signature is written in a cursive, flowing style. The first name "Kevin" is written in a smaller, more compact script, while "Sweazea" is written in a larger, more expansive script with a long, sweeping tail on the final letter.

KEVIN R. SWEAZEA
UNITED STATES MAGISTRATE JUDGE